

WEST LINN CITY COUNCIL MEETING MINUTES February 22, 2010

Council Present:

Mayor Patti Galle, Council President Jody Carson, Councilor Scott Burgess, Councilor Teri Cummings, and Councilor John Kovash

Council Absent:

None

Staff Present:

Chris Jordan, City Manager, Chief Timeus, Police Department; Richard Seals, Finance Department; City Attorney Tim Ramis; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor Galle called the meeting to order at 6:45 p.m. and led the flag salute.

Approval of Agenda

Councilor Carson moved to approve the Agenda for the Council Meeting for Monday, February 22, 2010 with a report from the City Manager that may require Council action. Councilor Burgess seconded the motion.

Ayes: Kovash, Burgess, Cummings, Carson, Galle

Nays: None

The motion carried 5-0.

Proclamations, Recognitions and Presentations -- None.

Community Comments

Mayor Galle reminded the audience that there will be three minutes allowed for those who are giving community comments.

Kevin Bryck, 18840 Nixon Avenue thanked everyone who had any part in getting the transit shelters up along Highway 43. This is a tiny milestone and the start of something big. He hopes they can continue forward and over time get more transit shelters up.

Lynn Fox, POB 236, Marylhurst, OR 97036 stated she submitted information for each councilor. She would like clarification on the attached email from city employee Bridget Saladino in response to her request from her board to postpone the Hidden Springs Neighborhood meeting of February 16 to March 16, 2010. Ms. Saladino's response confirmed reservations of the council chambers for that meeting. Ms. Fox asked why this meeting happened without notification to the existing board members.

Also included in the information is a copy of a flyer she received on February 19, 2010 postmarked by City staff on February 12th. This notice did not get to her in time to notify her of the meeting and she is concerned about how many other people this might have happened to; those people who didn't have a chance to participate, to vote or to run for office which took place at that meeting.

Ms. Fox stated she has made several inquiries over the last few months of the City Manager and City staff about the procedures for transition responsibility of records of the neighborhood associations following elections. She has not received a response about how that happens. There is no information on the city website about the administrative responsibility or requirements of the city when there is a change to an elective board. Her letter submitted has a copy of the flyer and a copy of the email from City staff and she was hoping to get some direction on the questions she brought before Council this evening.

David Hedges, 20750 S. Sweetbrier Road cited Mussolini, "Fascism should more properly be called corporatism because it is a merger of government and corporations." Roosevelt through financial institutions into the mix and we are seeing this played out at a national level. Corporations control congress; the wishes of the people are not being followed. Opponents are being demonized and there is trial by media. He sees the same thing happening in West Linn on small scale and he hopes people wake up and do not allow it to continue.

Roberta Schwarz, 2206 Tannler Drive commended Steve Wyson who quietly every month worked on removing Ivy at city parks for over 10 years. She suggested that the City consider accommodation for him.

Ms. Schwarz announced there will be a White Oaks Savannah restoration meeting coming up February 23, 2010. In attendance will be the Nature Conservancy, Willamette River Keeper, West Linn Parks and Recreation Director, and Dr. Richard Mashawga a PhD Biologist who has identified 105 vertebrate species who live in or near the White Oaks Savannah.

Ms. Schwarz stated she respects the Mayor and Councilor Cummings. They are fine women; mothers, wives, and sisters. It saddened her to see the dishonored brought to them and the whole of the city.

Steve Garner, 3525 Riverknoll Way stated he is president of Barrington Heights Hidden Creek Estates in Tanner Woods Neighborhood Association (NA) and is here tonight to ask for a specific act of the Council. The NA is quite concerned with the solar highway proposed by Oregon Department of Transportation (ODOT) and Portland General Electric (PGE) next to I-205. This is in fact a large industrial power plant. In researching some of the concerns with respect to this industrial power plant being put next to residential property, they have come upon some data that indicates there are significant medical issues that will impact the whole city of West Linn not just the neighborhood contiguous to the industrial power plant. This information refers to dirty electricity generated by the transient forms of energy generation, be they wind or solar.

Dr. Sam Milhan who studies this power; he is the former head of Epidemiology at Washington University. Epidemiology is the study how diseases are caused and transmitted through large groups of populations.

Mr. Garner asked Council to vote in favor of hearing Dr. Milhan speak (30-45 minutes) next Monday night at their work session. He introduced the Dr. Ken C. Chang, MD and Dr. Tolan, MD (3410 Riverknoll Way) who are both MDs, they have reviewed the material, and they are personally helping fund the appearance of Dr. Milhan from southern California to come here and speak to Council a week from tonight.

Mayor Galle asked the City Manager to allow 30 minutes for Dr. Milhan to speak on the agenda for March 1, 2010.

Dale Fortuna, 3360 Arbor Drive stated he has lived in West Linn most of his life. He is here tonight to say he highly supports the police station; the City needs a new one. He commended the new police chief and supports this effort immensely. With the police station and possibly an aquatic center, property will need to be annexed. He thinks the Council should consider property in West Linn that the City already owns (old Bolton fire station, Robinwood fire station, etc.)

Mayor Galle informed Mr. Fortuna that he could talk about the police station when Council considers that issue later; perhaps he would want to talk about something that is not on the

agenda. Mr. Fortuna stated he probably would not be here for that, but just wanted the Council to know he is supportive of the police station.

Mr. Fortuna stated the aquatic center is a 10-year bond for \$1 million. The citizens will have to vote on another bond to build the swimming pool. Get a good, solid police station; it's better than an aquatic center. If the vote on the aquatic is a yes, then there needs to be another vote just to maintain it. He asked that the Council act accordingly and be an example for the kids that can't get along. This is a city manager form of government; the Council sets policy and the city manager runs the City. He supports Mr. Jordan immensely; he is a good city manager.

Alex Kachirisky, 6469 Palomino Way asked the new board members of the Hidden Springs Neighborhood Association to introduce themselves: Susan Vandewater (Treasurer/Secretary), 6433 Palomino Way; Scott Howard (Vice President), 6507 Palomino Way. Mr. Kachirisky stated on February 16, 2010 Hidden Springs had their bi-annual board elections. 65 members were present. They are looking forward to work with City Council, City staff, other neighborhood associations and citizens.

Brian Greenwood, 2339 Athena Road stated he was here in July 2009 and talked about treatment for wood roofs. He is back tonight talking to Tim Ramis/Mayor Galle to find out where the City is with his request to have citizens not use Diesel Bay Solvent on their wood shakes when there are green alternatives. Ask Council to reconsider the matter.

Dawn Adams, 2310 Century Lane stated she rarely speaks to the Council but she comes tonight to advocate for Councilor Cummings/Mayor Galle. Councilor Cummings is a long-time resident and has much leadership experience in community affairs. She is trying to protect what the City has and to guide citizens into what lies ahead in the coming years.

Ms. Adams stated although she does not know Mayor Galle as well, she believes her to be honest and deeply concerned about future of West Linn.

Mike Jones, 22860 Oregon City Loop stated the West Linn City Council spoke decisively on February 8, 2010. With over 100 supporters in attendance, the Council censured Mayor Galle reminding her of the mayor official duties and responsibilities. The censure directed Mayor Galle to "correctly carry out the duties of the mayor; adhere to the city charter, council rules and common courtesy, work effectively as a member of the city council, support a council/manager form of government, and work with the council to take action on council priorities.

Work Together West Linn believes this is a critical step toward restoring civility in our city government. They agree with the majority of West Linn citizens that the recent recall effort of three councilors was unfounded. They echo the statements of support for city manager,

Chris Jordan that was signed by every city department manager. They believe as the staff does that Mr. Jordan has provided exemplary service to the City and that any requests for his resignation is inappropriate.

Work Together West Linn is a group of community members working to re-establish civility, trust and productivity to West Linn government. They hope Mayor Galle will proceed in a manner fitting her position and ask the Council to re-create a positive and productive work environment and to focus on long-term livability of West Linn. This statement is submitted by Malinda Robinson, Dean Suhr, Jill Thorne, Diane Westrack and himself.

Midge Pierce, 1785 Britton Street stated like other she has struggled during the past two weeks about what to say before Council. She would like to be speaking on soliciting support to oppose Metro's proposal to urbanize the Borland corridor south of I-205. She can't stress how harmful the urbanization of that corridor would be to the Willamette neighborhood and all of West Linn in particular.

Instead she is here for a more painful process; here to solicit tolerance among all the Council. She and many other thanks all the council members; but with the recent negative press, it must be intolerable. She voiced concern about the marginalization of two public officials at the last meeting. The Mayor and Councilor Cummings bring an important, thoughtful and questioning perspective to city government.

David Rittenhouse, 2101 Greene Street voiced concern for his friend Councilor Cummings; he is here for her tonight. What he saw two weeks ago he felt was completely wrong. She was accused of harassing the city manager. In the documents there was no reference of what the harassment was. Was it physical or was it a question. Do you admonish a person because they break a rule; because if so, all council members have broken rules? He cited a broken rule where councilors did not attend neighborhood association meetings.

Ken Pryor, 2119 Greene Street thanked Councilor Cummings and Mayor Galle for their oversight through this process. He is upset about what is being referred to as the "Monday night massacre." The last council meeting got a lot of press; it wasn't West Linn's finest hour. Regarding Council's questioning the attempt to approve an over-engineered \$2 million water pipe is not treason. There was no discussion of how such an unjustified proposal escaped scrutiny from the Planning Department and City Manager. There has been no discussion of the legal process for public notice and/or input; that was circumvented. If calling attention to the City's financial underpinnings violates the establish sense of decorum, that sense of decorum needs to be recalibrated.

Alice Richmond, 3939 Parker Road stated she feels the new City logo represents the today's generation. In regards to the three councilors that are being bashed; Councilor Burgess was West Linn's city manager in the 1990's and his accomplishments brought the city forward,

prospering and built Hidden Springs, Savannah Oaks and many others. Because of him many of the citizens have houses now.

City Manager Chris Jordan is competitive, professional and the best the City has had for years. She has lived in this city for over 50 years and believes she knows what is important and best because of her experience here.

Bob Thomas, Pimlico Drive, submitted information on the Pipeline Project 65. He feels this is a project in search of a problem where there is none. He is an engineer by profession and he has rebutted all the facts that have come out about this project. He asked the Council read through the information.

The resolution that was passed by Councilors Burgess, Kovash and Carson last week was shameful for putting in so many false assertions.

Karie Oakes, 1125 Marylhurst Drive stated she supports open and transparent government that promotes opportunities for all citizens to become involved. That is best achieved when the government follows the rules of its charter, codes and Oregon State Statutes. The Council needs to follow these rules and it is not always the case. She asked who prepared the resolution; the three councilors, the city manager or some other organized group. These three councilors did not provide the general public proper notice and thereby opportunity to comment on the resolution before adoption. She read the Council rules for agenda, subsection A. If the resolution had been placed on agenda the councilors may have heard more balanced comments.

Ms. Oaks stated she hopes all the councilors will be tolerant and respectful of all positions. Seeing that her time was up she stated she will email the Council the rest of her testimony planned for tonight.

Michele Eberle, 2215 River Heights Circle, stated this is her first time to come back to Council and speak after having been a council member herself (two elections, elected twice in four years). She had the pleasure of serving with Councilors Cummings, Burgess and Carson. One of the things she enjoyed most about the council was that they did disagree and they did have a lot of questions for the City Manager Chris Jordan. During the entire four years, there was never an issue of not being able to get the questions answered and not having very civil discussion and respect among the councilors. She had the honor of working with Councilor Kovash when he was on the Planning Commission and there were many discussions as a city councilor. There was ultimate respect among the councilors.

The West Linn logo was approved under the council that she sat on. It was not something that came out from the city manager. She feels the attendance last week was a result of a

call for the city manager to resign. That is what really brought people out with their support for the city manager.

Hannah Berkowitz, 1519 Holly Street stated she wanted to go on record of thanking the Mayor. She ran into her at the market and talked to her about the bottleneck problems with the proposed development of Highway 43 and Holly Street. People are parking at this bottleneck and it is exacerbating the situation. A little time passed and currently that intersection is marked yellow with no parking signage. No one has parked there since. She thanked the Mayor for that action; it has been a problem for years and now it is fixed.

Consent Agenda

1. Agenda Bill 2010-02-22A Approve City Council Meeting Minutes of December 14, 2009
2. Agenda Bill 2010-02-22B Approve City Council Meeting Minutes of January 4, 2010
3. Agenda Bill 2010-02-22C Approve City Council Meeting Minutes of January 11, 2010

Council President Kovash moved to approve the Consent Agenda consisting of the minutes of December 14, 2009, January 4, 2010, and January 11, 2010 as amended. Councilor Burgess seconded the motion.

Ayes: Burgess, Cummings, Carson, Kovash, Galle

Nays: None

The motion carried 5-0.

Report from the City Manager

Chris Jordan, City Manager, reported the Council amended the revised agenda so he could report on the School District negotiations and he will be asking Council to approve a motion regarding this issue.

For several months the City and the School District have been having discussions regarding a possible property transaction. The proposal is to include the School District selling approximately 6-1/2 acres on Parker Road and City would be selling to the School District at its request approximately 1.6 of Sunset Park. The City would be selling property to the School District at Sunset Park because the School District has already made the determination that Sunset Primary School needs to be replaced and it is their position that they would like to replace that school at its current location. However, to do so requires

additional property. Because Sunset Park is adjacent to Sunset Primary School, Sunset Park is the logical piece of property that the School District would need to acquire in order to expand its holdings in that location.

This past week the Superintendent and he have concluded those discussions and this evening he is proposing the Council approve the terms of the agreement. The City would be paying \$2,700,500 for the property on Parker Road and the School District would be paying \$483,000 for the Sunset Park property. After the School District acquires the Sunset Park property, the City would entertain an application from them to vacate certain right-of-way adjacent and through the property. There would be certain limitations placed on the Sunset Park property, "The District agrees to work with the City when master planning the Sunset School site as to maximize recreational opportunities while preserving significant trees to the extent practical while meeting the District's requirements to replace Sunset School."

There is a re-purchase provision included that at any time following the District's purchase of the Sunset Park property the District determines that it no longer wishes to make use of the Sunset Park property as a school. The District agrees to offer the property to the City for purchase of the amount of the original purchase price. If the District decides to relocate Sunset School from its current location, the District agrees to offer the Sunset Park property to the City for purchase for the amount of the original purchase price.

Completion of this transaction requires the approval of the voters of two ballot measures; one the Council has already agreed to put on the ballot (annexation of the Parker Road property) and a other ballot measure to be considered this evening is to ask the voters to approve the sale of this portion of Sunset Park to the School District in accordance with the City Charter.

Mr. Jordan asked Council to consider the terms of agreement and if they concur, approve a motion approving the terms of the sale agreement as presented by the City Manager this evening for the City and School District to purchase the District's property on Parker Road and sell a portion of Sunset Park to the School District. Further, staff asks Council to direct the City Attorney and City Manager to execute all documents necessary to complete this transaction.

Both the School District and the City each had appraisals done of each property and they have selected the School District's appraisal on both cases to use because they were to the benefit of the City.

Councilor Burgess moved to approve the terms and sales agreement presented by the City Manager between the City and the School District for the City to purchase the District property on Parker Road and sell a portion of Sunset Park to the School District. The City

Attorney and City Manager are directed to execute all documents necessary to complete this transaction. Councilor Carson seconded the motion.

Councilor Burgess stated there are a number of things important to this community (police station, schools, serving the neighborhoods, and potentially some recreational opportunities). Land is needed for all of these projects to happen. There have been discussions for the City to work with the School District to get a viable piece of property. It is more difficult for the City to sell park property but the information indicates that this may be a reasonable trade to preserve (new) Sunset School in that neighborhood. He will be voting in favor of this motion.

Councilor Kovash stated it has been a long road to get here. The issue of Sunset School has been worked on for long time. It is evident that the Sunset School is important to the people who live in that neighborhood that the school be rebuilt on that site. The school is very old and needs to be replaced and additional land is needed for the purposes of expanding the school grounds to meet current requirements. He will be voting in favor.

Councilor Carson stated that she will be voting in favor of the motion. The School District and the neighborhood has been meeting trying to keep Sunset School in the neighborhood. The City has needed a new police station for a number of years; need to actively move forward. This is opportunity to meet both needs.

Councilor Cummings stated she has been to several neighborhood meetings; at a Sunset NA meeting the room was packed with people that were very interested in hearing about the school. It was clear that the neighborhood and community value having this school in their community. This is a historical school and it is hard for the citizens to give it up. There is strong support to maintain the school. This is an opportunity for the voters to make that decision. She feels confident that this is what the voters will want to support.

Councilor Burgess reported that he lives in the Sunset neighborhood and asked Council if they feel this is a problem? There was no response.

Ayes: Cummings, Carson, Kovash, Burgess, Galle

Nays: None

The motion carried 5-0.

Business from the City Council

Chris Jordan, City Manager reported Tri-Met is facing a large budget deficit and have made some proposed changes; one change is exploring elimination of the 154 bus which goes from Willamette to Oregon City. That is not something the City does not want to see this happen in the community. Tri-Met is now taking public input on their proposals. A

resolution was prepared at Council direction that states the City's opposition to the elimination of this bus line.

Councilor Carson stated that years ago the Willamette Neighborhood fought very hard to get this bus line; many people testified to keep this bus line. There was discussion a number of years ago that they were going to try to eliminate that bus line again and people again came out and testified. She encouraged people in the community to come out to testify at Tri-Met in person. There are three hearings (posted on the Tri-Met site) where testimony will be taken. It is important for Tri-Met to hear that this is an important bus line for this community.

Councilor Carson read the entire resolution and moved to approve Resolution No. 2010-12, Bus Line 154 Connecting the Willamette Neighborhood with the Oregon City Transit Center. Councilor Burgess seconded the motion.

Councilor Cummings stated that she supports this motion 100 percent. Her husband uses bus to commute to and from work. She hopes that someday there will be bus service to City Hall.

Councilor Burgess stated he will be supporting the resolution. There was service up here by city hall; unfortunately they lost that service due to lack of ridership and not enough support from the community. He hopes the City doesn't lose this bus line because this was a major effort of the Willamette neighborhood. The proposed language sounds like this line only benefits the Willamette neighborhood; however, this line serves more than those who want to get from Willamette to downtown Portland. When he lived in the Tanner Basin (Oak Savannah) he took 154 to get home from Clackamas, so it is not just for Willamette. The City does not want to lose service, they want to increase service. He feels the city should fight for what they have and not lose anymore.

Council President Kovash stated he will be supporting the resolution. Tri-Met has serious problems, a \$27 million deficit. He encouraged citizens to go to meeting and explore various options and ideas (fairs, size of bus, routes, etc.). Public transportation is very important.

David Rittenhouse, 2101 Green Street stated the Traffic Advisory Board has discussed this issue and set goals on it for next year. They have had discussions with SMART about a proposal to put in an alternative system on top of what Tri-Met does to service more of West Linn. Theoretically if this does go away, they can adjust their goals.

Ayes: Carson, Kovash, Burgess, Cummings, Galle

Nays: None

The motion carried 5-0.

Mayor Galle asked the City Attorney to give an update on the roof materials. Mr. Ramis stated the question presented by the witness was whether or not the City should regulate materials that are used to treat and create longer life for roof. Issues were raised about how environmental friendly those products were and whether alternative products might be preferable. The question came up whether the City has the authority to get into this area of regulation. There was a document from Department of Environmental Quality (DEQ) that seemed to imply that the Federal Government regulated these materials.

After research, his conclusion is there is some room for the City to regulate. The Federal Government regulates the content of some of these products but doesn't seem to regulate when they are used. Neither does the State. The issue is about whether the more harsh products are appropriate for use in neighborhoods.

One way to regulate, and if the Council chooses to do so, he would recommend using the nuisance authority because these products have noxious effects that affect other properties. The City could develop regulations and rules on what products can be used; however, he cautioned that once into that role, where does that regulation stop.

Mayor Galle stated she would like to continue discussions in work sessions. Councilor Cummings agreed; a lot of West Linn was built during the cedar shakes boom. She too would like to see what other options are available.

Mayor Galle asked if there was something the City could do to recognize Steve Wyson for his dedicated work removing ivy from the park. Mr. Jordan agreed Mr. Wyson is most deserving of recognition. The Parks and Recreation staff wants to have a discussion with the Parks and Recreation Advisory Board about criteria for who should be recognized to ensure the City is fair and consistent. Certainly Mr. Wyson would be on the list for earning recognition from Council. He will place this discussion on the next work session agenda on March 8, 2010.

Councilor Burgess voiced concern about taking time on this product issues. Shake roofs are going the other direction. If it is Council's decision to spend staff time on this issue, he would like to have information on comments from the industry, building industry, and other sources of pros and cons on this issue.

Councilor Cummings moved to have a work session to determine the direction to take on whether to initiate a process to review options and alternatives to hazardous substances. Mayor Galle seconded the motion.

Councilor Burgess stated if Council decides to study this issue, he hopes the City doesn't just jump to regulation. It may be an information issue and the City can provide that information so citizens can make choices.

Councilor Carson voiced concern about spending a lot of Council time on this issue. She would be willing to support the motion if in fact it is put on a work session agenda to discuss what the parameters of this issue would be and outline how much staff time should be involved and what kind of information is needed rather than taking time tonight.

Councilor Kovash stated he is interested in handling concerns of citizens, but there are a lot of concerns and some are shared by a lot of citizens and some by a few citizens. So far the Council has heard from one person. He has been involved in roof issues; they are usually a homeowner's association issue. He no longer has a shake roof and when he had one he reviewed what materials he wanted to use. He is hesitant to set a precedent where the City looks at chemical compounds and decides which ones can and can't be used. He is not sure this is something the City is well equipped to do.

Chris Jordan stated that staff will prepare information for the basis of Council's discussion.

Ayes: Cummings, Carson, Galle

Nays: Kovash, Burgess

Motion carried 3-2.

Councilor Burgess moved to put the discussion of citizen/staff recognition on the March 8, 2010 work session agenda. Councilor Carson seconded the motion.

Councilor Carson stated she supports recognizing Mr. Wyson for his work. She would also like to ask the City Manager ask the Parks and Recreation Board to create criteria on how to recognize people. There are a lot of citizen volunteers that work hard on all the parks and other areas and the City needs to make sure they are getting the recognition that they deserve. She supports this motion and wants to make sure there is a process to recognize those who provide service to the community.

Ayes: Kovash, Burgess, Cummings, Carson, Galle

Nays: None

The motion carried 5-0.

Mayor Galle asked staff to comment on staff responsibilities concerning neighborhood association issues. Mr. Jordan stated neighborhood associations work out their own issues. In this instance, there was a regularly scheduled meeting on the third Tuesday of the month. Annual election of officers was to take place at this meeting. If notified in advance, the City will send out postcards to make sure they have attendance; that's what the City did. It is not staff's job to cancel meetings or set meetings. It is totally up to the neighborhood association to meet, not meet, get together and decide they didn't want to vote, decide they didn't want to have a meeting, etc.

Staff made it clear in communications with the neighborhood association that it is up to them to interpret their own bylaws and decide how they work together. Staff did not organize or facilitate a meeting. Before the NA president said she was not going to be able to attend, staff found a room for them to meet at Rosemont Ridge. They prepared post cards to be sent out. At some point the NA president informed the association she would not be able to attend. Others in the NA contacted the City and concluded they wanted to meet as regularly scheduled. The NA was informed that they needed to interpret their bylaws and decide how to proceed; staff scheduled a meeting room.

Councilor Cummings voiced concern that the Council should get involved in NA meetings. She saw emails from staff of their reasoning for getting involved to the extent that they did. It is the NA board's job to serve their electorate.

Councilor Carson stated she did not want to get into the position of deciding this issue; it is a NA issue. She recommended having the City's contracted mediation service to work with the two groups to come to a resolution.

Recess was taken at 8:28 p.m. and the meeting reconvened at 8:41 p.m.

Councilor Carson announced there will be a meeting held by the Clackamas County Board of County Commissioners on Thursday morning at 10:00 in the Public Service Building. The Board will be making their final decision and recommendation on the Stafford Basin area. A letter has been submitted to them and there will be a representative there to testify that the City would like Stafford Basin to have the designation rural or undesignated and not urban. Testimony will be taken and she encouraged citizens to come out and give their opinions.

Councilor Cummings voiced concerns about the communication between the City and the NAs. She has heard of other instances where there have been misunderstandings. She asked staff to refer to the list that NAs are to provide to the City indicating their current board members.

Councilor Cummings moved the City does not recognize the currently elected slate; however, the City will recognize those elected at the March meeting. Mayor Galle seconded.

Councilor Carson stated she is not in support of this motion; she is in support of having the mediator address the NAs situation. If there can't be a resolution, the NAs can come before Council and ask for a decision on this election issue.

Councilor Burgess stated there have been various descriptions of what has occurred between the neighborhoods. He feels the Council should not interject themselves into their process. He is opposed to the motion.

Mayor Galle stated she will be supporting the motion. It is not the City's role to resolve NA issues; however, there needs to be some resolution to this situation.

Ayes: Cummings, Galle

Nays: Carson, Kovash, Burgess

The motion failed 3-2.

Mayor Galle asked staff to comment on Ms. Fox's comments regarding the transition of documents. Mr. Jordan stated he assumes files are passed from NA officer to the new officer. The records are not kept at City Hall; however, they are public records and should be retained.

Mayor Galle reported she received a letter from the District Attorney regarding the public records request for the Palomino trail emails. In his response he states, "In this particular case, Oregon favored the City's position that a fee waiver not be granted. They did find that the petitioner met the public interest test as established by Oregon." She asked the City Attorney to comment on this interpretation. Mr. Ramis stated there is discretion in terms of the balancing of interests. That is the issue. He asked to see the letter so he could better address her concerns.

Councilor Cummings asked Mr. Jordan if there is room on the next work session to discuss Steve Garner's request to have Dr. Milhan speak on solar power. Mr. Jordan explained the items on the March 1st work session.

Councilor Carson suggested having Dr. Milhan to work with Oregon Department of Transportation (ODOT) on the environmental assessment they are doing. She appreciates Mr. Garner's willingness to sponsor this presentation. The information she has read on this issue so far is very technical. She would like to hear ODOT's response to Dr. Milhan's comments. At some future date, if ODOT wants to pursue this, they would come back to the Council for Dr. Milhan's comprehensive presentation.

Council President Kovash suggested that the NA have Dr. Milhan correspond directly with ODOT and then, if the NA would like to pursue a presentation with Council, they could do so with written information regarding the ODOT/Dr. Milhan conclusions.

Councilor Cummings stated it would be beneficial for the public to hear both sides; a balanced discussion ODOT and Dr. Milhan. Conversations are already occurring between the two.

Councilor Burgess stated ODOT is in the process of creating an environmental impact statement. This is an issue that they are aware of and they have provided information to Council. There are issues and risks have to be weighted. ODOT is collecting data and they will bring it back and convince Council that this is a good idea. Ultimately it will be a voter decision. The environmental impact statement will show pros and cons of this proposal. It is ODOT's responsibility to address all the issues and provide a report which includes their conclusions.

Mr. Jordan announced that staff is scheduling a meeting with ODOT to organize a town hall meeting. He has seen communication going to ODOT regarding issues on the solar highway. ODOT on a regular basis has sent lengthy responses on these issues. A site has been set up which provides information received on this issue to the public.

Councilor Carson asked for a work session briefing to make sure ODOT has addressed all the issues to Council's satisfaction before the town hall meeting. This will better equip the councilors to answer questions from the citizens. Mr. Jordan stated the purpose of the town hall is to solicit questions and concerns from the public.

Mayor Galle stated she will email Steve Garner tonight regarding Council's decision.

Councilor Burgess informed Council that he will not be at Monday's work session; he will be out of town.

Councilor Cummings noted she asked the City Attorney if the resolution censuring the Mayor and Councilor Cummings was reviewed by him before it was presented at the Council meeting. He said no. Council rules state, "...all ordinances and resolutions shall be prepared under the supervision of the City Manager and reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or Department Heads."

Councilor Cummings stated she showed up to attend the meeting and when she came to the work session and received her packet which included the resolution she became very upset. She explained that her concerns stemmed from several instances of conflict among the Council. She is very concerned about public meeting law and the City's Charter rules not being followed.

Councilor Burgess raised a point of order; the City Attorney has indicated there was nothing illegal about the meeting.

Councilor Carson moved to call for a vote to discontinue this discussion. Councilor Burgess seconded the motion.

Councilor Burgess called for the question:

Ayes: Kovash, Burgess, Carson

Nays: Cummings, Galle

The motion carried 3-2.

Councilor Burgess stated there was a resolution passed at the last meeting, and he would hope we could follow the guidelines set forth by that resolution. The preference is for the nasty emails to stop; this includes accusing Councilor Kovash of harassing staff, Councilor Carson of brow-beating local merchants in the Willamette area, the City Manager paying off staff to attend Council meetings or the Parks and Recreation Director making side deals with certain people in the community. I would hope we could adhere to the resolution.

Mayor Galle recessed the meeting at 9:19 p.m. and the meeting reconvened at 9:25 p.m.

Business Meeting - Agenda Items

1. Agenda Bill 2010-02-22D Resolution 2010-07, Police Station Bond

Mayor Galle opened the public hearing on a ballot measure to ask voters to approve GO Bonds for a new police and court facility.

Richard Seals, Finance Director reported the purpose of this proposal is to authorize the submission of a ballot measure on the May 18, 2010 ballot asking for General obligation (GO) bonding authority up to \$10 million to fund a new police and court facility. He is here tonight with Terry Timeus, Chief of Police and the architects, Group McKenzie to go through the design slides with the audience and Council.

The cost estimates are at about \$10.8 million; the effect of that amount would be roughly 29 cents per \$1,000 tax (\$60 a year for a house with assessed value of \$200,000).

Bret Hanson, Group McKenzie stated they were the architecture engineering firm hired to do the needs assessment upon site selection. He explained that in the process so far they have identified and evaluated the City's existing facilities, assess and confirm the space size, identifying the size of the site and locating the proposed building, and designing the site for maximum utilization. He went over the proposed plans for the design of the site and the new police station facility.

Councilor Burgess noted that a major issue of this project is that the existing station is a 1936 building the structure is unsound for a public safety facility.

Councilor Carson asked staff to comment on the reasoning for a one-story building. Chief Timeus explained a one-story building facilitates communication. Officers have to see detectives, have interaction with administrations, and have interaction with records department. If these areas are split between two floors, it lessens the communication. Also a two-story building initial construction costs adds about a million dollars to the cost of the facility. Mr. Hanson stated the building is designed to a 50-75 year plus life; the space planning is designing 30-40 years out to accommodate growth within the facility.

Chief Timeus noted the existing facility is not only seismically unsound, it has a wooden fire escape and if the building were to ignite the people on the second floor have issues of getting out of the building. There are no shower facilities in the existing police station and officers who come into contact with hazardous materials, blood-borne pathogens, handling bio-hazards, solvents, oils from car wrecks cannot clean themselves at the facility. The heating system is a 1936 diesel fire boiler. Parts are no longer available and when it breaks, the facilities manager has to find an older building in hopes to find parts for replacement. There are asbestos tiles under the existing flooring; they have been assured they are safe because they are carpeted over. However, it is preferable not to have that in the facility. There is no storage available. This existing site has outgrown its usefulness for a law enforcement facility.

Councilor Cummings asked if the building is designed for possible future expansion. Mr. Hanson stated that the proposed building has a green roof; water treatment on the roof as well as on the site. It was their decision to plan for future expansion horizontally rather than a second story. There are more costs associated with going vertically versus horizontally as far as structural codes and building codes. The codes that are in effect today will likely be different when expansion is required. Costs may be more in going vertically.

Council President Kovash asked the process for finalizing the design. Mr. Hanson stated this is a preliminary concept design. The standard design process includes an addressing cost concerns, working on a schematic design, and then working with the jurisdiction/police department to define the internals of how the building will be designed. A cost estimating company was hired to do the costs preliminary estimate for them. The final total summary will include all of the costs of the project.

Mr. Jordan reported the resolution was written by staff, reviewed and approved by bond counsel.

Councilor Burgess asked staff to confirm the dollar figure they are recommending to the Council. Mr. Seals stated the best estimate of the preliminary costs is \$10.8 million. Mr. Jordan stated at \$10.8 million staff is confident that they can construct the facility as presented and provide flexibility to make possible changes (green roof, etc.). Citizens looking at this design should recognize that it is subject to change. Part of that change is

soliciting more input from the community to change it the way they may want it changed. The design is not a done deal.

Community Comments

Alice Richmond, 3939 Parker Road stated she is in favor of a new police station. The current facility has no parking; a new building is needed with today's/tomorrows technology to serve the citizens. The tax cost to the residents is nominal.

Dennis Richey, Public Safety Committee was called, but was not present.

Bob Thomas, 2563 Pimlico Drive reported there were no more information sheets outside the Councilor chambers for the public. He could be much better prepared to testify if he had the same information Council has.

Mr. Thomas stated instead of being ready to put bonds before the people, everyone should be ready to go to Salem and get SDCs for all the things that are not covered by SDCs. The taxpayers pay the interest on the bond, in addition to paying off the bond principle. Depending on the interest rate and the life of the bond, interest can amount to as much or more than the principle.

He agrees with Mr. Fortuna, that existing City-owned property be pursued for the police station. It would be more centrally located at considerably less cost compared to the site being pursued on Parker Road. In viewing the architect's drawings, it looks more like a stadium for a ball field. It looks excessively larger than to accommodate the number of police West Linn has.

Mayor Galle handed Mr. Thomas her copy of the resolution being discussed, stated he could review the contents and be granted an additional three minutes to make comments.

David Rittenhouse, 2101 Green Street stated he was in the visioning meeting and he likes the design. He questions if the City needs a new courthouse. City Hall was just retrofitted for a courthouse. The economy is still in a freefall and there have been two police levies go down in the past.

Mr. Thomas stated he had not had a chance to read the information. If the public is going to be asked to comment on the design and get involved, it is not fair to push it on the May ballot. There should be more public input and discussion.

Councilor Carson reported Council has requested that the community room and court room be combined into one. This is not the last time the public will have an opportunity to give input into the design and other issues.

Councilor Kovash this is a preliminary design and cost estimate. There is room for public input and Council input on what the building finally looks like and what it is going to cost. The amount that is bonded will reflect the final cost of the building.

Councilor Cummings encouraged the community to take advantage of every opportunity to give input on this project. She is in favor of a new police station; it is long overdue. She is concerned about the size of the facility. There are currently about two court cases per year and the 1,800 sf court room is more than needed. She has not seen or heard of community rooms located at a police station. What she would like to see is the strongest, most secure, most efficient building the City can get for their taxpayers dollars.

Councilor Carson asked Chief Timeus to respond to emails received from citizens related to concerns about traffic with the police vehicles, how much traffic would be added to the neighborhood, and the closeness of the Montessori School to this site. Chief Timeus stated most of the time when they respond to a call they are in their vehicles; they don't respond from the station with lights and sirens. Generally police facilities are pretty safe places; having the school next to a police department is a good thing. The criminal element usually doesn't gravitate towards police facilities. The traffic impact other than employees coming and going and the occasional police car going in to write a report or get supplies, he doesn't see a significant amount of traffic increase.

Councilor Carson moved to approve Resolution 2010-07, A Resolution Of The City of West Linn Calling a Measure Election To Submit To The Electors Of The City The Question Of Contracting General Obligation Bonded Indebtedness In One Or More Series And In An Aggregate Principal Amount Not to Exceed \$10.8 Million To Finance The Costs of Capital Construction And Capital Improvements To Construct A New City Police And Court Facility, Declaring Its Intent To Reimburse Expenditures And Related Matters per Agenda Bill 2010-02-22D. Councilor Burgess seconded the motion.

Councilor Burgess stated this is a significant event. It is a need that was identified back in 1996. He feels this facility is critical to this community. There is opportunity to purchase land; to put this off would mean a vote in November. The community supports public safety and this will be an anchor for the community. This project has growth built into it; it is space to fulfill all the needs expressed. There are not that many court sessions; however, there is no room here at City Hall to accommodate inmates attending. He feels the meeting space will be used; there have been many requests for meeting space. He will be supporting the motion.

Mayor Galle voiced concern about the public process. She would have liked to have staff pick 10 locations and determine the three best sites. Then having the public give feedback on those three locations to see which location has the majority preference. She is also

concerned there is not enough time for people to absorb the idea and decide how to vote. She will be supporting the motion tonight.

Ayes: Burgess, Cummings, Carson, Kovash, Galle

Nays: None

The motion carried 5-0.

Councilor Burgess moved to extend the meeting to 10:45 p.m. Councilor Carson seconded the motion.

Ayes: Cummings, Carson, Kovash, Burgess, Galle

Nays: None

The motion carried 5-0.

2. Agenda Bill 2010-02-22E

RESOLUTION No. 2010-08, Voter approval to sell a portion of Sunset Park

Mayor Galle opened the public hearing to discussion of the sale of a portion of Sunset Park at 10: 25 p.m.

Chris Jordan reviewed reported this resolution provided to Council attached to a February 19, 2010 memo from him is calling an election to submit to the voters a request to authorize the sale of a portion of Sunset Park to the West Linn/Wilsonville School District.

This is the final step in the process of selling a portion of Sunset Park that Council discussed earlier. Under the City Charter, a sale of any park property must be approved by the voters in advance of that sale taking place. This action would place this action before the voters at the May 18th election.

Questions to Staff from the Council -- None.

Public Comment

Troy Bowers, 2790 Lancaster Street stated he worked on the Sunset Neighborhood Association neighborhood plan in 2008. One of their six goals was recognizing Sunset Primary School as a defining asset of the Sunset neighborhood. They wanted to keep the residents informed of decisions regarding the school, strengthen the neighborhood relationship with the School District and explore options to allow Sunset Primary School to remain in its current location.

He was appointed by the Sunset Neighborhood Association to coordinate with the School District on Sunset School issues and had the privilege of participating on the Sunset Sighting

Taskforce. In visiting with people at the NA meetings and canvassing the neighborhood is clear that the majority of the residents are in favor of keeping Sunset at Sunset.

After participating in the task force, he believes a compromise is needed to keep Sunset at Sunset and believe a portion of the park will be needed to build the new school next to the existing school. This will allow the students to continue to be educated in the existing school. He thanked the Council for their consideration of this resolution.

The residents have not had a chance to vote on this issue at their association meeting; they meet quarterly and will be calling a special meeting to address a resolution in support of this sale.

Bob Thomas, 2563 Pimlico Drive, asked how the existing school be demolished and accommodate the children while they are building a new school. If the voters approve sale of this park land, could the school district still go elsewhere with the school. He has known quite a few families whose children have gone to Sunset and they seem to like it. It would be a good thing for a school to be retained at that location. He would like to see the school remain in that neighborhood.

Councilor Carson thanked Mr. Bowers for his ongoing participation in the process. She asked staff to share the language that addresses phasing the school building so that it works in terms of keeping the children in school during the building phase. Mr. Jordan read the terms of the agreement, "If at any time, following the District's purchase of the Sunset Park property the District determines that it no longer wishes to make use of the Sunset Park property as a school, the District agrees to offer the property to the City for purchase for the amount of the original purchase price."

Alice Richmond, 3939 Parker Road, stated the current Sunset School is not equipped for the current children's education. It is the School District's responsibility to determine how the children will be educated while the school is being built.

Ms. Richmond stated that she lives on Parker and she has no concerns about a police station close to her home. She is all for it. There is not that much traffic.

Mayor Galle closed the public comment portion of the hearing and opened the meeting to discussion among the Councilors.

Councilor Burgess moved to approve Resolution 2010-08, A Resolution Of The West Linn City Council Calling An Election To Submit To The Voters A Request To Authorize The Sale Of A Portion Of Sunset Park To The West Linn/Wilsonville School per Agenda Bill 2010-02-22E with the following change:

- **Summary, Last Line, changed to read, "If the sale is approved by the voters, the City would commit to using the proceeds from the sale of this property for acquiring or developing land for the recreational use of the West Linn community.**

Councilor Carson seconded the motion.

Councilor Burgess stated the City is not anxious to give up park land. The park next to an elementary school work well together; the kids are there, the park has facilities and the school has facilities that the neighborhood and kids will use. Sunset School is important to that neighborhood. He will be voting in favor.

Council President Kovash stated it has been a multi-year process to get here. He will be voting in favor of the motion.

Mayor Galle asked if school sale fails, would the sale of Parker Road fail. According to the agreement, the annexation of the Parker Road property and the passage of the voter's approval of the sale of Sunset Park are linked together. If one fails, they both fail. Transfer of the property will not go through unless they both go through.

Councilor Cummings congratulated the Sunset neighborhood.

Councilor Burgess stated he does not like the fact that the two are tied together. He met with the School Board to try and move forward on Parker Road with unsuccessful outcomes and now he is glad that negotiations have been made. The City needs both the police station and the school.

Mayor Galle stated she will be voting in favor of the motion.

Ayes: Carson, Kovash, Burgess, Cummings, Galle

Nays: None

The motion carried 5-0.

Adjournment

Mayor Galle adjourned the February 22, 2010 meeting of the West Linn City Council at 10:44 p.m.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch
City Recorder

APPROVED BY THE CITY COUNCIL
ON MARCH 22, 2010

Patti Galle /s/
Patti Galle, Mayor